

03-31-04

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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**TRANSMITTAL
FORM**


(to be used for all correspondence after initial filing)

Application Number	10/621,198
Filing Date	July 16, 2003
First Named Inventor	Wedell, et al.
Art Unit	2875
Examiner Name	Sember
Total Number of Pages in This Submission	Attorney Docket Number 50010/287195 / Express Mail # 333523935

ENCLOSURES (check all that apply)

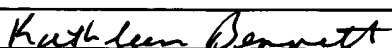
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Information Disclosure Statement - 6 publications - Statement regarding Patent Surrender - Return postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	GEOFFREY K. GAVIN, Reg. No. 47591
Signature	
Date	March 29, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to: Mail Stop Reissue Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	KATHLEEN BENNETT		
Signature		Date	March 29, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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ATLLIB01 1646312.1

INFORMATION DISCLOSURE STATEMENT

abstract or translation of such references, are included with this submission. Copies of the foreign references that were before the PTO during examination of the '590 Patent have not been included as the undersigned has been advised by the Examiner that copies of those references are available in the original file and need not be re-submitted.

Submission of the references provided in this Information Disclosure is not intended to constitute an admission that any reference referred to herein is prior art for this invention unless specially designated as such. Also, in accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made, or that no other material information as defined in 37 C.F.R. § 1.56(a) exists.

This Information Disclosure Statement is being filed before the mailing of the first Office Action on the merits (37 C.F.R. 1.97(b)(3)); therefore, no fee is believed to be required. However, if a first Office Action on the merits has issued, please consider this Information Disclosure Statement under 37 C.F.R. 1.97(c). The Commissioner is hereby authorized to charge the applicable fees, if any, to Deposit Account No. 11-0855.

Respectfully submitted,



Geoffrey K. Gavin
Registration No. 47,591

Date: March 29, 2004
KILPATRICK STOCKTON LLP
1100 Peachtree Street, Suite 2800
Atlanta, GA 30309
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mark Taylor Wedell, et al.

Reissue Application for
U.S. Patent No. 5,803,590
issued September 8, 1998

Art Unit: 2875

Examiner: Sember, T.

Serial No.: 10/621,198

Filed: July 16, 2003

For: ROADWAY LUMINAIRE

Assigned to: Acuity Brands, Inc.

Attorney Docket No. 50010/287195

Mail Stop Reissue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


STATEMENT CONCERNING PATENT SURRENDER

Sir:

At the request of Examiner Sember, undersigned counsel provides the following statement concerning the circumstances of patent surrender.

In accordance with the provisions of 37 C.F.R. § 1.178, Acuity Brands, Inc., the sole owner of U.S. Patent No. 5,803,590 (the “590 Patent”), surrendered the ‘590 Patent concurrently with the filing of this reissue application on July 16, 2003. The Statement of

I hereby certify that this correspondence is being deposited with the United States Postal Service as EXPRESS MAIL in an envelope addressed to: Mail Stop Reissue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 29, 2004.


Geoffrey K. Gwin - Registration No. 47,591

Patent Surrender was duly executed by Kenyon W. Murphy, Senior Vice President and General Counsel of Acuity Brands, Inc. The original, ribbon copy of the '590 Patent was attached to the Statement of Patent Surrender executed by Mr. Murphy. A copy of the return postcard stamped received by the PTO on July 16, 2003 is attached for your reference.

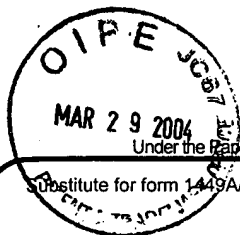
Respectfully submitted,



Geoffrey K. Gavin
Registration No. 47,591
Attorney for Assignee

Date: March 29, 2004

OF COUNSEL:
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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 5

Complete if Known

Application Number	10/621,198
Filing Date	July 16, 2003
First Named Inventor	Wedell, et al.
Art Unit	2875
Examiner Name	Sember
Attorney Docket Number	50010/287195

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		3,018,081	01/1962	Waldbauer	
		3,023,394	02/1962	Hubbell	
		3,071,683	01/01/63	Queale	
		3,094,220	06/1963	Harling	
		3,120,985	02/1964	Hubbell	
		3,142,501	07/28/64	Clark et al.	
		3,146,054	08/1964	Shearner et al.	
		3,177,462	04/1965	Sharnmark	
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	*	3,201,271	08/1965	Simmons, Jr., et al.	
		3,297,864	01/10/67	Waldbauer	
		3,387,866	06/11/68	Baldwin	
	*	3,433,941	03/1969	Hall	
		3,432,629	03/11/69	Field et al.	
		3,530,287	09/22/70	Husby	
	*	3,562,510	02/1971	Baldwin	
		3,562,509	02/1971	Kahl, Jr.	
		3,614,711	10/1971	Anderson et al.	
		3,777,136	12/1973	Okuda	
	*	3,941,211	04/1976	Elms	
	*	3,950,639	04/1976	Van Steenhoven	
	*	4,029,955	06/1977	Tart	
	*	4,059,753	11/1977	Tart, et al.	
	*	4,096,555	06/1978	Lasker	
		4,143,413	03/06/79	Kelly	
		4,152,757	05/01/79	Bilson et al.	
		4,167,033	09/04/79	Fletcher	

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Sheet 2 of 5

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Application Number	10/621,198
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		Number - Kind Code ² (if known)			
	*	4,200,901	04/1980	Shaffer et al.	
		4,229,064	10/1980	Vetter et al.	
	*	4,255,781	03/1981	Plemmons, et al.	
		4,320,443	03/1982	Zwillich	
		4,345,306	08/1982	Summey	
		4,360,863	11/23/82	Barnes et al.	
		4,378,584	03/1983	Russello	
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		4,384,316	05/17/83	de Vos et al.	
		4,388,680	06/14/83	Moore	
		4,392,192	07/1983	Steadman	
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	*	4,434,456	02/1984	Taylor	
		4,433,367	02/21/84	Shelby et al.	
		4,449,168	05/15/84	Ewing	
	*	4,472,768	09/1984	Quiogue	
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		4,500,946	02/19/85	Mikola	
	*	4,509,106	04/1985	Mayer et al.	
		4,538,217	08/27/85	Ewing et al.	
		4,551,793	11/1985	Mellema	
	*	4,559,587	12/1985	Quiogue et al.	
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		4,639,843	01/27/87	Compton	
		4,736,999	04/1988	Marks et al.	
		4,772,226	09/1988	Schlesinger	
		4,791,539	12/13/88	Ewing	
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		4,796,001	01/03/89	Gostyla	

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Sheet 3 of 5

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		Number - Kind Code ² (if known)			
		4,819,133	04/1989	Kochi et al.	
	*	4,882,667	11/1989	Skegin	
	*	4,905,133	2/1990	Mayer et al	
	*	4,907,142	03/1990	Burkarth	
		4,907,139	03/06/90	Quiogue	
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		4,956,756	09/1990	Hsaio	
	*	4,994,948	02/1991	Cooch	
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	*	5,010,458	04/1991	Fraizer	
		5,134,554	07/1992	Donato et al.	
	*	5,141,325	08/1992	Huang	
		5,136,493	08/04/92	Straus et al.	
	*	5,192,129	03/1993	Figueroa	
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		5,266,738	11/1993	MacVoy	
	*	5,287,259	02/1994	Lautzenheiser	
	*	5,313,379	05/1994	Lemons, et al.	
		5,351,174	09/27/94	Ewing	
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	*	5,450,302	09/1995	Maase et al.	
	*	5,481,445	01/1996	Sitzema, et al.	
	*	5,535,109	07/1996	Moore et al.	
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	*	5,651,612	07/1997	Braun	
	*	5,690,422	11/1997	Brass	

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 4 of 5

Complete if Known

Application Number	10/621,198
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		Number - Kind Code ² (if known)			
	*	5,803,590	9/1998	Wedell et al	
	*	5,806,957	09/1998	Prior et al.	
	*	5,838,109	11/1998	Koyayashi et al	
	*	5,918,970	07/1999	Brohard et al	
	*	5,941,632	8/1999	Wedell et al	
	*	6,059,427	05/2000	Wedell et al	
	*	6,127,782	10/2000	Flory IV et al.	
	*	6,132,065	10/2000	Wedell et al	
	*	6,241,367	06/2001	Wedell et al	
	*	6,302,564	10/2001	Wedell et al	
	*	6,419,378	07/2002	Wedell et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages Columns Lines Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
	*	FR 938008	09/1948			
		UK 862292	03/1961			
		DE 1142963	01/1963			
		CH 973165	10/1964			
		DE 1489490	04/1969			
		DE 2215888	03/1972			
	*	FR 2495279	06/1982			
		EP 0059892	09/1982			
	*	JP Laid open # 6106854	04/1986			
		DE 3539389	05/1987			
		EP 0370825	05/1990			
		DE 9015538	03/1991			
		DE 9111264	07/1992			
	*	JP Laid open # 6111605	04/1994			
	*	JP Laid open # 6203616	07/1994			

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Application Number	10/621,198
		Filing Date	July 16, 2003
		First Named Inventor	Wedell, et al.
		Art Unit	2875
		Examiner Name	Sember
Sheet 5 of 5	Attorney Docket Number	50010/287195	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate) title of the item (book magazine journal serial symposium catalog etc.) date page(s) volume-issue number(s) publisher city and/or country where published.	T ²
	.	Product Brochure on Hubbell Lighting's Intelligent Ignitor System dated September 1999	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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